

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

MARCUS CONAWAY

*

Plaintiff,

*

*

v.

*

Civil No.: 06-1193

P/O KEITH GLADSTONE, et al

*

Defendants.

*

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS OR
IN THE ALTERNATIVE MOTION TO COMPEL**

Plaintiff, Marcus Conaway, through his attorneys, Randall J. Craig, Jr. and **CRAIG & HENDERSON, LLC** pursuant to Federal Rules of Civil Procedure hereby responds to Defendants' Motion to Dismiss or in the Alternative Motion to Compel and states the following:

1. On December 7, 2006 counsel for Defendants filed a motion alleging that Plaintiff's counsel has failed to comply with the discovery process.
2. Specifically, Defense counsel alleges that Plaintiff has failed to provide executed answers to interrogatories and failed to identify witnesses.
3. This allegation is without merit because Plaintiff's counsel has continuously made every good faith attempt to comply with the discovery process.
4. Moreover, the complained of discovery violations are moot because opposing counsel was given Plaintiff's executed answers to Defendants'

- Interrogatories on December 12, 2006 and the only witness who has not been deposed is Defendant Bearde.
5. A deposition was previously noted in which three of Plaintiff's witnesses were deposed on November 14, 2006.
 6. Though both Plaintiff's counsel and Plaintiff were present for the scheduled deposition, Plaintiff's deposition did not occur and was rescheduled until after Defendant had received Plaintiff's answers to interrogatories.
 7. The deadline for the completion of discovery was set for November 14, 2006.
 8. Subsequently, Plaintiff's counsel filed a request for enlargement of time to conclude discovery.
 9. On November 16, 2006, Plaintiff's request was granted and discovery was extended to December 14, 2006.
 10. On December 5, 2006, Plaintiff's counsel sent its responses to defendants' request for production of documents.
 11. In the spirit of full disclosure, Plaintiff's counsel sent its unexecuted answers to Defendants' interrogatories to opposing counsel on December 6, 2006.
 12. On December 12, 2006 Defense counsel received Plaintiff's executed answers to interrogatories.

13. Defense counsel has not been prejudiced in any way, as such the motion should be denied.

14. Furthermore, opposing counsel's motion is moot and therefore it should be denied.

WHEREFORE, Plaintiff respectfully requests this court **DENY** Defendants' Motion to Dismiss or in the Alternative Motion to Compel.

Respectfully submitted,

_____/s/_____
CRAIG & HENDERSON, LLC
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Baltimore, MD 21202
410 727 0406
Attorneys for Plaintiff,
Marcus Conaway

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December, 2006 a copy of the foregoing was mailed, postage prepaid to:

James H Fields, Esq.
Joseph E Spicer, Esq.
Jones & Associates, P.C.
111 S Calvert St, Ste 2700
Baltimore, MD 21202

_____/s/_____
Randall J. Craig, Jr.